

**STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
BOARD MEETING**

**FINAL MINUTES**

**DECEMBER 10, 2019**

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED  
MSF = MOTION: MADE, SECOND: FAILED)**

**THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 9:00 A.M. TUESDAY DECEMBER 10, 2019 IN THE MEETING ROOM AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET ROOM 172 BOISE, IDAHO 83706. MEMBERS BOB BAROWSKY (CHAIRMAN), GEORGE MCQUISTON, LOUISE STARK AND WAYNE HUNSUCKER WERE PRESENT. ALSO PRESENT WERE EXECUTIVE DIRECTOR LORI THOMASON, BOARD ATTORNEY ROGER HALES, OFFICE SUPERVISOR AMANDA HARPER, EDUCATION AND ENFORCEMENT CHIEF RANDY WADLEY, AND PROSECUTING ATTORNEY MIKE KANE. BOARD MEMBER TOM LONG WAS NOT PRESENT.**

**Meeting Overview** – Chairman Bob Barowsky gave an overview of the Board meeting.

**Craig G. Dowdy – Guide License Hearing** – A guide license hearing was conducted by the Board's prosecuting attorney Mike Kane. Craig Dowdy, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Dowdy's guide license application due to the Enforcement Division's review and scoring of Mr. Dowdy's flagrant fish and game violation disclosed on his application. Mr. Dowdy is seeking a guide license to work for YJ Guide Service LLC. Mr. Dowdy testified, and certain exhibits were introduced into evidence. **MSC (MOTION: MCQUISTON, SECOND: STARK; AYES – STARK, MCQUISTON, HUNSUCKER AND BAROWSKY; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. DOWDY WITH ONE YEAR GENERAL PROBATION.**

*Prosecuting Attorney Mike Kane excused himself at 9:30 a.m. with the hearing being complete.*

**DEPARTMENT OF HUMAN RESOURCES** – Susan Buxton, Administrator of the Idaho Division of Human Resources (DHR), gave a presentation for the Board and IOGLB staff members on the State of Idaho Personnel System, Federal Employment Laws, State Budget Process, Public Communication, and Respectful Workplace.

**IDFG UPDATE** – Brad Compton, Regional Supervisor with the Idaho Department of Fish and Game (IDFG), appeared before the Board and gave an update. **WMA Bird Permit** – There is a requirement that a Wildlife Management Area (WMA) bird permit be required where pheasants are stocked. Currently there are nine (9) WMA's across Southern Idaho that receive pheasant stocking. The Commission is interested in expanding the program in other areas but need the authority and ability to charge hunters who hunt the new areas where birds are stocked. **New Nonresident License Fee Schedule** – As part of adoption to the new white-tailed and mule deer plans, there was a central concern about hunter congestion and crowding. In the past five (5) years the IDFG has seen a significant increase in the number of hunters which has created a number of conflicts and complaints which the Commission is committed to addressing. The first step is to have the ability to restrict nonresidents in general hunt areas, which they currently do not

have the ability to do. The three steps needed to accomplish this is to give the authority to the Commission, have a licensing system that will be able to accomplish this task, and third there will be a reduction of nonresident tags for the state. To offset that reduction of nonresident tag sales, IDFG will be asking the legislature for a fee increase to the nonresident tags. The intent of the nonresident fee increase is to offset expected losses, not result in increased funding for the agency. **White-Tailed Deer and Mule Deer Management Plan** – Both plans have been approved by the Commission. **Position on Litigation Regarding Black Bear Bait on National Forests in Idaho and Wyoming** – The Commission passed a motion to seek intervenor status. The request has been submitted, but not granted yet. The United States Forest Service (USFS) has asked for a dismissal on the lawsuit. **New Headquarters Building** – IDFG will be building a new headquarters building in the same location as the current building. 70+ staff members will need to be relocated to other existing IDFG facilities in the valley until construction is complete. **Ratification of Pending Rules** – The Commission reviewed all the rules they had adopted during the year to evaluate whether they will move them forward to the Legislature. They made a change to the rule relative to wolf snares. During the public review process, several groups provided a fair amount of comment that wolf traps should have either a breakaway or a loop stop and not require both. The Commission, at their November 2019 meeting, modified the rule to only require one but not both, which is consistent with other snaring rules. **Season Setting: Proposal to Extend Fishery Restrictions for Steelhead** – This proposal is to extend the closure and reduced bag limit in the Salmon and Snake Rivers. There is a conference call scheduled for December 18<sup>th</sup> relative to a Clearwater steelhead proposal. **Legislative Update** – The Commission is proposing three pieces of legislation during the 2020 Legislative Session: 1. The ability to require an upland game permit in other areas where pheasants are stocked, 2. approval to develop and establish a fee for tundra swan tags in advance of a season proposed in North Idaho in 2021, and 3. the proposed nonresident fee schedule.

*Meeting recessed for lunch at 12:15 p.m. Meeting reconvened at 1:30 p.m. with all listed above present.*

**RULES AND STATUTE PROPOSALS – Rules** - Board attorney Joan Callahan informed the Board that the pending rules that reauthorized the entire chapter of rules, with the changes the Board approved at the September 27, 2019 hearing, have been submitted and were published in the November 2019 Special Edition Bulletin and a copy was put on the IOGLB website. Ms. Callahan said that the Routing Slips (RS) and Statements of Purpose have been prepared by Legislative Services for the two statute changes that will be going before the Legislature this upcoming session. The Board is proposing two statute changes going before the Legislature: 1. A change to simplify the fee structure and establishing the fees in rule, and 2. Cleanup language for the designation of allocated tags, to ensure use for controlled hunts is being looked at based on the specific hunt, as a backup plan to the proposal being worked on with the IOGA. Ms. Callahan said that during the reauthorization of rules just over 4400 words were eliminated, which includes several highlights of barriers that were eliminated for licensees. **Negotiated Rule Making Process for 2020** – Ms. Callahan stated that through calendar year 2020 for proposals to the 2021 Legislature, there were several items that the Board did not address during the reauthorization of rules because they were either significant changes, the Board received conflicting comments on, or the Board wanted more information on before making a rule change. She said there were eight (8) areas that the Board identified for further negotiated rule making. A notice will be published in the Bulletin putting everyone on notice that the Board is considering changes to the different areas and why. The next step is to schedule hearings in conjunction with the regular Board meetings. Ms. Callahan identified the eight areas: 1. Section 002.16- Definition of Hazardous Excursions, 2. Section 34 - Guide Qualifications, 3. Section 008 - Employment of Outfitters by Other Outfitters, 4. Sections 002.31, 23 - Third Party Agreements, 5. Section 40 - Float Boat Trainee Requirements, 6. Sections 44 and 46 - Guide Qualifications for Skiing and Mountaineering, 7. Section 52 - Boat Transport of Hunting Clients, and 8. Section 58 - Big/Little Wood and Big/Little Lost River Sections. **(MOTION: MCQUISTON; SECOND: HUNSUCKER; AYES – HUNSUCKER, STARK, MCQUISTON AND BAROWSKY; NAYES – NONE) AUTHORIZE THE BOARD**

## **LEGAL COUNSEL TO MOVE FORWARD WITH THE NEGOTIATED RULE MAKING PROCESS.**

**Cont. Allocated Tag Proposal** – Ms. Callahan stated that at the direction of the Board at the September 2019 regular Board meeting, the Board legal counsel has worked with the IOGA and interested parties on potential language for a statute change, and a rule change to go along with the new statute, for consideration in 2020. This statute change would add some of the mechanisms needed to process hardship requests, tag transfers, and give the Board the ability to prioritize prior use of allocated tags. Ms. Callahan reviewed with the Board the draft of a statute and rule that included the recommendations of the Board's legal counsel. She also pointed out that there is not yet a consensus reached between all the parties. Ms. Callahan reviewed the draft statute changes and the draft of the current proposal of a rule to go along with the statute change if the statute change is approved at the 2020 legislative session. Ms. Callahan stated that there are two contentious issues that do not have a consensus. She said the two topics are on creating a pool and on counting the allocated tag use first when calculating after a big game season setting. Ms. Callahan said the Board will need to do a conference call once there is a statute proposal, so the Board can take a vote as whether to take a position on the IOGA's final proposal. She said the goal with the meetings is still to reach a proposal that legal counsel feels comfortable recommending the Board support and that there is a rule that the IOGA feels comfortable with to go with the IOGA's statute proposal. **(MOTION: STARK; SECOND: MCQUISTON; AYES – HUNSUCKER, STARK, MCQUISTON AND BAROWSKY; NAYES – NONE) SUPPORT MOVING AHEAD WITH PREPARING A RULES PACKAGE THAT WOULD FOLLOW A POSSIBLE STATUTE CHANGE AND DIRECT LEGAL COUNSEL TO CONTINUE WORKING WITH IOGA AND INTERESTED PARTIES ON LANGUAGE FOR A POTENTIAL STATUTE CHANGE.**

**DISCUSS NATURE OF AGREEMENT AND APPROVE A FORM FOR USE** – Ms. Callahan informed the Board that a meeting was held at the direction of the Board from the August 2019 Board meeting, between Board staff, IOGA, Ed Castro with BES Technologies, and legal counsel to discuss revamping the use reporting now that a new database system is in almost in place. She said that this meeting was the first discussion on use reporting and of a system that allows an outfitter the ability to input their own use information and harvest reporting throughout the year in real time, review to what extent the Board needs to collect that information, and the potential development of an application for outfitters to use for their use reporting. The Board directed staff to continue working with BES Technologies to develop and implement the ability for an outfitter to report their use on an application and to collect what is currently being asked for on use reports.

**ALLOCATION UPDATE** – Board staff member Susan Knapik reported that she had received a relinquishment form from an outfitter for the entire outfitter business and that there was an allocated tag associated with that license. Due to only one other outfitter being licensed in the same area, she contacted the other outfitter and they were interested in receiving the relinquished tag. Ms. Knapik also reported that two outfitters that received Elk City B tags in 2019 during the Elk City recalculation through a random draw scenario have informed her they do not want the tags. Ms. Callahan stated that in the Rule 57, it describes how those tags would be redistributed. The Board directed staff to revisit the rule and designate the tags accordingly.

**IOGA PROPOSED LEGISLATION** – Jeff Bitton, president of IOGA, presented the IOGA's proposed language change to the IDFG and IOGLB statutes as it relates to allocation.

**OFFICE SUPERVISOR'S REPORT** – Dan Garren with the Idaho Department of Fish and Game, Kyle Hawkins DA for H & S Outfitters Inc, and Ash Jenkins DA for Sportsman's Hunting LLC joined the meeting via conference call. Office Supervisor Amanda Harper explained that both H & S Outfitters Inc

and Sportsman's Hunting LLC submitted applications for major amendments to add areas and activities and that IDFG had submitted a Comment Form that expressed concern due to conflict between outfitted and non-outfitted hunters. A discussion took place. **(MOTION: STARK; SECOND: FAILED) APPROVE THE APPLICATIONS FOR H & S OUTFITTERS INC AND SPORTSMAN'S HUNTING LLC FOR ALL REQUESTED AREAS AND ACTIVITIES.**

**(MOTION: STARK; SECOND: HUNSUCKER; AYES – HUNSUCKER, STARK AND MCQUISTON; NAYES – BAROWSKY) APPROVE THE APPLICATIONS FOR H & S OUTFITTERS INC AND SPORTSMAN'S HUNTING LLC FOR ALL REQUESTED AREAS AND ACTIVITIES.**

**Cont. Office Supervisor Report** – Ms. Harper presented the major amendment application for Jones Sport Fishing LLC who applied to add Milner Reservoir and Salmon Falls Creek Reservoir to their current license. She explained that she brought the application before the Board due to receiving a Fish and Game Comment Form that expressed concern on crowding on Milner Reservoir because of tournaments. **(MOTION: MCQUISTON; SECOND: HUNSUCKER; AYES – HUNSUCKER, STARK, MCQUISTON AND BAROWSKY; NAYES – NONE) APPROVE THE APPLICATION FOR JONES SPORTS FISHING LLC WITH STIPULATION THAT ONLY BLM RAMPS BE USED.**

**Cont. Office Supervisor Report** – Based on the major amendment application and supporting documents for Russell Pond and B Bar C Outfitters LLC due to a Fish and Game Comment Form that expressed concern of hunter congestion in the area they applied to be amended to their license. **(MOTION: MCQUISTON; SECOND: STARK; AYES – HUNSUCKER, STARK, MCQUISTON AND BAROWSKY; NAYES – NONE) APPROVE THE APPLICATION FOR RUSSELL POND AND B BAR C OUTFITTERS LLC.**

**DIRECTOR'S REPORT – Outfitter Certification Forms** - Director Lori Thomason stated that Board staff has added a link on the IOGLB website to the Outfitter Certification Forms found on the IDFG website. **Legislative Outreach Meetings** – Ms. Thomason informed the Board that she attended several Legislative outreach meetings across the state where she was able to discuss the IOGLB's upcoming omnibus rules reauthorization and the proposed rules for the 2020 Legislative Session. **IOGA ANNUAL MEETING** – Ms. Thomason informed the Board she had attended the IOGA's annual meeting. **BUDGET** – Ms. Thomason stated that revenue is down \$21,356.78 from 2018. **STAN POTTS AREA** – Ms. Thomason let the Board know that she has discussed with Celina Moreno, the permit administrator in the Salmon Challis National Forest, the prospectus process for the vacated Stann Potts area and that Celina let her know that a prospectus may be able to start in the next six months. The Board directed Ms. Thomason to continue moving forward with a prospectus to this vacated area.

**EDUCATION AND ENFORCEMENT CHIEF'S REPORT** – Education and Enforcement Chief Randy Wadley reported the current number of complaints and case investigations so far this year. **Cases and Investigations** – 68 total investigations so far for 2019.

**IOGLB Enforcement Case:** Troy L Denham for a conviction on the Clearwater River. The violation is an IDFG misdemeanor conviction for outfitting and guiding without a license. **MSC (MOTION: STARK; SECOND: HUNSUCKER; AYES: STARK, MCQUISTON, HUNSUCKER AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$250 FINE FROM TROY L DENHAM.**

**IOGLB Enforcement Case:** Nicholas R Brown for a conviction in Latah County. The violation is a misdemeanor conviction for disturbing the peace. **MSC (MOTION: HUNSUCKER; SECOND:**

**STARK; AYES: STARK, MCQUISTON, HUNSUCKER AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$125 FINE FROM NICHOLAS R BROWN.**

**IOGLB Enforcement Case:** Miles A Eyre for a conviction in Custer County. The violation is an IDFG misdemeanor conviction for fish or trap-buy or possess wrong class or type of license. **MSC (MOTION: MCQUISTON; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$250 FINE FROM MILES A EYRE.**

**IOGLB Enforcement Case:** Eric D Wilcox for a conviction in Idaho County. The violation is an IDFG misdemeanor conviction for unlawful fishing/fishing during prohibited hours, and a second infraction conviction of exceed approved number of poles, lines or hooks for chinook salmon. **MSC (MOTION: HUNSUCKER; SECOND: MCQUISTON; AYES: STARK, MCQUISTON, HUNSUCKER AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$150 FINE FROM ERIC D WILCOX.**

**FINANCIAL REPORT** – The Board reviewed the financial report for July, August, September, October, November and December 2019. **MSC (MOTION: STARK; SECOND: HUNSUCKER; AYES – MCQUISTON, STARK, HUNSUCKER AND BAROWSKY; NAYES – NONE) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED.**

**CONSENT AGENDA** – The Board reviewed the Consent Agenda. **MSC (MOTION: MCQUISTON; SECOND: STARK; AYES – HUNSUCKER, MCQUISTON, STARK AND BAROWSKY; NAYES – NONE) TO ACCEPT THE CONSENT AGENDA AS PRESENTED.**

**The next Board Meeting date has been set for March 25 and 26, 2020.**

With no further business to come before the Board, Board Chairman Bob Barowsky adjourned the meeting at 5:25 p.m., Tuesday, December 10, 2019.

*Bob Barowsky*

*March 25, 2020*

BOB BAROWSKY, BOARD CHAIRMAN

Date

ATTEST:

  
LORI THOMASON, EXECUTIVE DIRECTOR

Date